Equity pleading commonly allows several defendants to be joined in a single bill for the purpose of quieting the plaintiff's title or preventing a multiplicity of suits upon the same question. *Bryan* v. *Bryan*, 61 N. J. Eq. 45; *Board of Supervisors* v. *Deyoe*, 77 N. Y. 219. There must ordinarily be a community of interest among the several defendants in every question of law and of fact involved in the controversy. *Cf. Wyman* v. *Bowman*, 127 Fed. 257, 262. The jurisdiction is somewhat elastic, however, depending upon the exigencies of the plaintiff's situation. See *Hale* v. *Allinson*, 188 U. S. 56, 77. Thus where the need is urgent, a large number of separate claims arising out of the same general transaction, but differing in respect to good faith, may be determined in a single suit. *New York & New Haven R. R.* v. *Shuyler*, 17 N. Y. 592. But the present case presents no common question of law or of fact in respect to the two defendants. It does not state a sufficient cause of action against either, since consistently with the allegations of the bill the common grantor may have been the only wrongdoer. And clearly the purpose of preventing a multiplicity of suits cannot create a cause of action where none exists separately. *Roland Park Co.* v. *Hull*, 92 Md. 301.

FEDERAL COURTS — JURISDICTION BASED ON DIVERSITY OF CITIZENSHIP — POWER OF REMOVAL WHEN ALIEN SUES CITIZEN OF ANOTHER STATE. — An Act of Congress gives the circuit courts concurrent jurisdiction with the state courts over suits involving more than $2,000 between citizens of a state and aliens, with a provision that the suit must be brought in the district where the defendant resides. ACT OF AUG. 13, 1888; U. S. COMP. ST. (1901), 508. An alien brought an action against an Illinois corporation in an Iowa state court. The defendant had the suit removed to the Circuit Court for the Northern District of Iowa, and the plaintiff moved to have it remanded. *Held*, that the motion to remand should be denied. *Barlow* v. *Chicago & N. W. Ry. Co.*, 172 Fed. 513 (Circ. Ct., N. D. Ia.).

A recent decision in another district reached the opposite result: *Mahopoulus* v. *Chicago, R. I. & P. Ry. Co.*, 167 Fed. 165. But an earlier decision decided the point in accord with the principal case without discussion. *Uhle* v. *Burnham*, 42 Fed. 1. It is well settled that no suit can be removed over which the federal court would not have original jurisdiction. *Cochran* v. *Montgomery Co.*, 199 U. S. 260. The provision that the suit must be brought in the district where the defendant resides, applies to actions brought by aliens against citizens of a state. *Galveston, etc. Railway* v. *Gonzales*, 151 U. S. 496. But it has been held manifestly inapplicable to actions brought by citizens of a state against aliens. *Case of Hohorst*, 150 U. S. 653. This provision, however, has been interpreted as not affecting the general jurisdiction of the courts, but as being in the nature of an exemption in favor of the defendant which he may waive. *Ex parte Schollenberger*, 96 U. S. 369, 378; *In re Keasbey & Mattison Co.*, 160 U. S. 221, 229. See 21 HARV. L. REV. 630. In view of the authorities, therefore, the principal case can be supported, as the federal court might have taken original jurisdiction of the suit with the consent of the defendant. It is submitted, however, that this construction of the statute is somewhat bold, since the jurisdiction of the circuit courts is confined to cases where it has been expressly conferred by Congress. *United States* v. *Hudson*, 7 Cranch (U. S.) 32.

FEDERAL COURTS — RELATIONS OF STATE AND FEDERAL COURTS — EQUITY JURISDICTION OVER WILLS. — The plaintiff brought a bill in equity in the federal court, asking (1) that a certain legacy be declared lapsed and be paid to the plaintiff, and (2) that the defendant executor render an account of the entire estate. The requirement as to diversity of citizenship was satisfied. *Held*, that the court has jurisdiction as to the first prayer but not as to the second. *Waterman* v. *Canal-Louisiana Bank*, U. S. Sup. Ct., Nov. 8, 1909.

Over matters relating strictly to the probate of a will the federal courts in

general have no jurisdiction, for it concerns a matter analogous to proceedings *in rem* and is best left to the probate courts of the state concerned. *Broderick's Will*, 21 Wall. (U. S.) 503. Furthermore, where a state court has assumed control of an estate, the federal court will not interfere with its administration and distribution. *Byers* v. *McAuley*, 149 U. S. 608, 614. Such an extensive prayer as for an accounting was, therefore, properly denied. *Moore* v. *Fidelity Trust Co.*, 138 Fed. 1. But the federal courts may determine the conflicting rights of individuals under a will, where diversity of citizenship appears. *Byers* v. *McAuley*, *supra*, 620. For this need not interfere with the administration by the state court. *Ingersoll* v. *Coram*, 211 U. S. 335, 358. Nor can state statutes interfere with or limit this right. *Payne* v. *Hook*, 7 Wall. (U. S.) 425. Furthermore, if a state allows its own citizens to attack the validity of probate proceedings, the federal courts will furnish the same remedies to citizens of other states or aliens. *Farrell* v. *O'Brien*, 199 U. S. 89, 110. Accordingly, the federal courts have undoubted power to interpret a probated will. *Wood* v. *Paine*, 66 Fed. 807. They may also decide who is entitled to a certain devise. See *Byers* v. *McAuley*, *supra*, 620. And to declare that the plaintiff in the principal case was entitled to a lapsed legacy seems clearly within their jurisdiction.

INFANTS — CONTRACTS — RECOVERY FOR SERVICES. — A, an infant, agreed to work for B until he became of age, B agreeing to support A as a member of his family. Before A reached his majority, the parties agreed to sever the *quasi* family relationship, B paying A $100 for his services, and A leaving B's home. A later repudiated the settlement and brought an action on a *quantum meruit* for the value of his services. *Held*, that he cannot recover. *Robinson* v. *Van Vleet*, 121 S. W. 288 (Ark.).

Contracts made by infants for their services are usually held to be voidable at the infant's option. *Dubé* v. *Beaudry*, 150 Mass. 448. And the minor can then recover the value of his services on an implied contract. *Vehue* v. *Pinkham*, 60 Me. 142. Moreover, the infant's right to rescind his contract does not depend on whether the other party can be restored to his original position. *Drude* v. *Curtis*, 183 Mass. 317. See 17 HARV. L. REV. 60. Some decisions, however, have held it to be against public policy to allow a minor to recover the value of his services from one who has taken him into his household. *Spicer* v. *Earl*, 41 Mich. 191; *Stone* v. *Dennison*, 30 Mass. 1. And the same result has been reached by holding such contracts binding because they are for necessaries. *Wilhelm* v. *Hardman*, 13 Md. 140. It would seem better to treat all contracts of an infant for his services as voidable, according to the general rule, allowing the employer to set off, in an action by the infant on a *quantum meruit*, the reasonable value of necessaries supplied by him. *Meredith* v. *Crawford*, 34 Ind. 399.

INJUNCTIONS — ACTS RESTRAINED — COLLECTION OF TAX NOT DUE. — Through a mistake of law, the plaintiff included goods of another in a sworn property list furnished to the assessor. *Held*, that the plaintiff cannot enjoin the collection of any part of the tax. *Peacock Mill Co.* v. *Honeycutt*, 103 Pac. 1112 (Wash.).

Courts of equity properly hesitate to interfere with so vital a function of sovereignty as the collection of revenue. Their hands are not unfrequently tied by statutes. See U. S. COMP. STAT. (1901), § 3224; 45 CENT. DIG., § 1228 *et seq.* In the absence of statutes, most courts refuse an injunction, if the only fact shown is that the tax is illegal or void. *Kelley* v. *Barton*, 174 Mass. 396. But the collection will be enjoined, if it further appears that there is no adequate remedy at law to recover the taxes paid. *Bank of Kentucky* v. *Stone*, 88 Fed. 383. A few statutes provide for the recovery of taxes paid under mistake of law. *Catholic Society* v. *City of New Orleans*, 10 La. Ann. 73. See *George's Creek, etc., Co.* v. *County Comm'rs of Alleghany County*, 59 Md. 255. Apart from statutes, however, the overwhelming weight of American authority denies recovery at law.